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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,527	03/08/2001	Mark J. McArdle	02114P017	2827

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EXAMINER

GIANOLA, JOHN F

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,527

Applicant(s)

MCARDLE ET AL.

Examiner

John F Gianola

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 33-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 20040805.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 through 32, are drawn to a network adapter in a firewall configuration, classified in class 713, subclass 201;
- II. Claims 33 through 40, are drawn to a policy identified field in a file data structure, classified in class 707, subclass 100.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the network adapter in invention I is used in a firewall configuration, while the identifier field in invention II represents, in a file, a data structure. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Sheryl Sue Holloway on August 5, 2004 a provisional election was made without traverse to prosecute group I, claims 1-32.

Claims 33-40 are withdrawn from further consideration, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "arrow 15" in figure 1B, as referenced on line 5, page 6. Additionally, "block 201" in figure 2B, as referenced on line 21, page 8, is absent. For this office action it is assumed that line 21, page 8 references block 221, not 201.
6. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "117" has been used to designate both arrow 117 and security policy 117 in figure 1B. For this office action It is assumed that arrow 115 (as referenced in the specification) has been mislabeled 117. Arrow 17, in figure 1B, is assumed to be arrow 115, while security policy 117 is assumed to be correctly labeled.
7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The disclosure is objected to because of the following informalities: line 20 of page 9 contains the phrase “would modified,” which contain a grammatical error (specifically improper verb conjugation). It is assumed, for this office action, that applicant intended “would be modified.” Additionally, lines 15 through 22 of page 14 contain numerous improper references, all beginning with the letter ‘x.’ For example, “non-volatile storage x65,” contains an improper reference to figure 4B. For this office action it is assumed that all references beginning with ‘x’ are incorrect and the ‘x’ before the reference number will be ignored. Appropriate correction of all informalities is required.

Claim Objections

9. Claim 5 is objected to because of the following informalities: the phrase “the set of network address” is incorrect. Appropriate correction is required. For this office action it is assumed that claim 5 contains the phrase “the set of network addresses,” instead of the erroneous phrase.

10. Claims 10, 17, and 32 are objected to because of the following informalities: the word “pre-determined” should not be hyphenated. Appropriate correction is required.

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For this office action it is assumed that claims 10, 17, and 32 contain the word “predetermined,” not “pre-determined.”

11. Claim 21 is objected to because of the following informalities: the phrase “through bus” is grammatically incorrect. Appropriate correction is required. For this office action it is assumed that claim 21 contains the phrase “through a bus” rather than the incorrect “through bus.”

12. Claims 25, 28, 29, 30, 31, and 32 are objected to because of the following informalities: the phrase “further cause” is incorrect. Appropriate correction is required. For this office action it is assumed that claims 25, 28, 29, 30, and 31 contain the phrase “further causes” instead of the incorrect “further cause.”

13. Claim 33 is objected to because of the following informalities: the phrase “having stored thereon policy file data structure” is incorrect. Appropriate correction is required. For this office action it is assumed that claim 33 reads “having stored thereon a policy file data structure” or “having stored thereon policy file data structures.”

14. Claim 37 is objected to because of the following informalities: the phrase “an decision” is grammatically incorrect. Appropriate correction is required. It is assumed, for this office action, that claim 37 contains the phrase “a decision,” instead of the ungrammatical “an decision.”

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1 through 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Coss et. al (US Patent 6,098,172).

17. Referring to claims 1, 11, and 21:

Coss et. al. disclose:

a.) determining a zone for a network address assigned to a network adapter

(column 6, lines 53-61; column 7, lines 9-11; and lines 53-67); and

b.) associating a security policy for the zone with the network adapter (column 7, lines 53-67); with

c.) the security policy specifying the firewall configuration (column 4, lines 17-32);

d.) implementation on general-purpose PC hardware. General-purpose

hardware, by the very definition of the word, implies a processing unit, a

memory coupled to the processing unit through a bus, a network adapter

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coupled to the processing unit through the bus (such as a Network Interface Card connected to a PCI bus) and further operable for coupling a network (column 3, lines 20-30; column 6, lines 58-61; column 11, lines 3-4).

18. Referring to claims 2, 12, and 24:

Coss et. al. disclose the limitations of claims 1, 11, and 21 above. Coss et. al. further disclose:

e.) determining the network address assigned to the network adapter (column 6, lines 58-61 and column 7, lines 2-4).

19. Referring to claims 3, 18, and 25:

Coss et. al. disclose the limitations of claims 1, 11, and 21 above. Coss et. al. further disclose :

f.) the zone is defined by a set of network addresses (column 6, lines 47-67; column 7, lines 1-4 and lines 61-67).

20. Referring to claims 4, 19, and 26:

Coss et. al. disclose the limitations of claims of 3, 18, and 25 above. Coss et. al. further disclose :

g.) the set of network addresses comprises at least one address within the zone (column 7, lines 2-4).

21. Referring to claims 5, 20, and 27:

Coss et. al. Disclose the limitations of claims 3, 18, and 25 above. Coss et. al. further teach a rule table which allows separate rules to have overlapping network addresses, that, when checked in sequential order, which discloses :

h.) wherein the set of network addresses comprises at least one address outside the zone (column 7, lines 61-67).

22. Referring to claims 6, 13, and 28:

Coss et. al. disclose the limitations of claims 1, 11, and 21 above. Coss et. al. further disclose :

i.) assigning the security policy to the zone (column 6, lines 48-61).

23. Referring to claims 7, 14, and 29:

Coss et. al. disclose the limitations of claims 1, 11, and 21 above. Coss et. al. further disclose :

j.) retrieving a policy file that contains definitions for the zone and the security policy and specifies that the security policy is assigned to the zone (column 9, lines 6-9).

24. Referring to claims 8, 15, and 30:

Coss et. al. disclose the limitations of claims 7, 14, and 29 above. Coss et. al. teach the loading of a firewall rules by a "firewall administration," which may be the user of the

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device, as evidenced by the teaching of the firewall in a set top box, terminal, or other user terminal, which further discloses :

k.) creating the policy file from data input by a user (column 4, lines 17-19; column 11, lines 3-7).

25. Referring to claims 9, 16, and 31:

Coss et. al. disclose the limitations of claims 7, 14, and 29 above. Coss et. al. further disclose :

l.) creating the policy file from data input by an administrator (column 4, lines 17-19).

26. Referring to claims 10, 17, and 32:

Coss et. al. disclose the limitations of claims 7, 14, and 29 above. Coss et. al. further disclose :

m.) receiving data from a predetermined location on a network through the network adapter and creating the policy file from the data(column 9, lines 6-9).

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duan Haixin, Wu Jianping, and Li Xing: Policy-based Access Control Framework for Large Network. Haixin et. al. teach the configuration of

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distributed firewalls. J. D. Guttman, Filtering Postures: Local Enforcement for Global Policies. Guttman teaches a global language and algorithm for expressing and configuring filters of network routers. Yair Bartal, Alain Mayer, Kobbi Nissim, and Avishai Wool; Firmato: A Novel Firewall Management Toolkit. Yair et. al. present a firewall management toolkit. Vipul Gupta and Gabriel Montenegro, Secure and Mobile Networking. Gupta and Montenegro teach enhancements for the Mobile IP protocol and its operation. Additionally, the following US Patents are referenced: Gai and McCloghrie (US Patent 6,167,445); Boden et. al. (US Patent 6,330,562 B1); Alles et. al. (US Patent 6,466,976 B1); and Coss et. al. (US Patent 6,154,775). See the attached *Notice of References Cited*.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F Gianola whose telephone number is (703)605-4321. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703)305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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